



600 Cecil Street - Buchanan, MI 49107  
Phone: 616.695.6831, Toll Free: 800.234.6831  
Fax: 616.695.1304

Federal Communications Commission  
Office of Secretary  
Washington, D.C. 20554

In the matter of:

Notice of Proposed Rule Making  
Reallocation Television Channels  
60-69, the 746-806 MHz Band

RECEIVED  
OCT 14 1997  
FCC MAIL ROOM

ET Docket NO. 97-157  
FCC 97-245  
FR Doc. 97-20078

Altec Lansing  
DDA  
Dynacord  
Electro-Voice

Gauss  
InterActive Technology  
Klark Teknik  
Merlin  
Midas  
University Sound  
Vega

## COMMENTS OF

EV International, Inc. (d.b.a. EVI Audio)  
Steven C. Dupaix  
Director of Marketing, RF Products  
600 Cecil Street  
Buchanan, MI 49107

## INTRODUCTION

EVI Audio does hereby file these comments on October 13, 1997, in regards to the Reallocation of Television Channels 60-69, the 746-806 MHz Band, as referenced in ET Docket No. 97-157, FCC 97-245, and FR Doc. 97-20078. EVI Audio is a manufacturer of professional wireless audio products which operate within the 746-806 MHz spectrum. EVI Audio holds Type Approvals granted by the Federal Communications Commission (FCC) for these products under the brand name "Vega," a division of EVI Audio.

## SUMMARY

EVI Audio requests that Low Power Auxiliary Stations (LPAS), which currently operate in the 746-806 MHz spectrum, be included in this proceeding. EVI Audio further requests that LPAS equipment continue to be permitted to operate

No. of Copies rec'd  
List ABCDE

059

in this band on a secondary, non interference basis throughout the duration of the digital TV transition period. EVI Audio further requests that, even if LPAS operations are retired from the new exclusive public safety segments at 764-776 and 794-806 MHz at the conclusion of the digital TV transition period, LPAS equipment be permanently assigned to operate in the non public safety segments of 746-764 and 776-794 MHz on a secondary, non-interference basis, in addition to all other spectrum which is retained for television broadcasting.

### **DISCUSSION**

As per 47 CFR Sec 74, wireless audio systems operating in the television broadcasting channels operate on a secondary, non-interference basis as Low Power Auxiliary Stations (LPAS), licensed by the FCC. Considerable field experience throughout the industry has demonstrated that it is both practical and advantageous to share available TV spectrum with low power narrow band transmitters. Due to the limited number of full power broadcast stations in the 746-806 MHz spectrum, this band has proven particularly desirable for LPAS operation

In this Notice of Proposed Rule Making (NPRM), the FCC has proposed to reallocate the 746-806 MHz spectrum to other services. Of particular import, the FCC has proposed to allocate 24 MHz for public safety in two bands, from 764-776 MHz and 794-806 MHz. In addition, it has proposed to allocate the remaining 36 MHz to the fixed, mobile, and broadcasting services, and to offer licenses on a competitive bid basis.

The FCC has stated in its proceedings that it relied on the recommendations of the Public Safety Wireless Advisory Committee (PSWAC) in its decision to allocate the 764-776 and 794-806 MHz bands for the exclusive use of public safety services. EVI Audio has no basis on which to debate this decision. However, a significant number of EVI Audio UHF wireless audio systems sold to date under the brand name "Vega" operate in the 746-806 MHz spectrum, as do systems from numerous other manufacturers. Thus, users could find their

operations partially, or in some cases, entirely displaced by this Rule Making.

The FCC has stated that it proposed to "protect full-power TV stations in the band until the transition to digital television (DTV) is complete, and to retain the secondary status in the band of Low Power TV (LPTV) and TV translator stations". EVI Audio notes the apparent omission of any mention of Low Power Auxiliary Stations (LPAS) from this proceeding. Since LPAS equipment is an integral part of the news gathering and programming operations of most, if not all full and LPTV stations (including those full and LPTV stations operating in other parts of the TV spectrum), we propose that the FCC should consider the impact of this proceeding upon such stations.

In particular, EVI Audio proposes that LPAS operations should be included in this proceeding and that they should be afforded the same secondary non-interference status that they presently have during the transition period to digital television, in the full 746-806 MHz spectrum. This should pose a minimal interference threat to public safety operations in those portions of the band being newly allocated to them, particularly in comparison to the other services (e.g., full power and low power TV stations) which the FCC proposes to permit to continue on a shared basis during the digital TV transition period. It will also afford time for existing LPAS users to modify their equipment for operation in another part of the band which is not used by public safety. Some LPAS users may be forced to retire their equipment if it cannot be modified, in which case, the provision of a transition period would allow them to recover a portion of their investment and prevent disruption of LPAS operations.

Upon the conclusion of the digital TV transition period, EVI Audio proposes that, even if LPAS operations are retired from the new exclusive public safety segments at 764-776 and 794-806 MHz, LPAS operations at least be permitted to continue permanently on a secondary non-interference basis in the remaining 36 MHz of spectrum not exclusively assigned to public safety, e.g. 746-764 and 776-794 MHz. It is in this portion of the spectrum that the FCC has proposed to

continue to allow TV broadcasting after the conclusion of the transition period.

In the subject Proposal, the FCC has highlighted the need for spectrum space for low power television (LPTV) and translator stations, and has solicited comments from the public on the most suitable part of the spectrum for these stations to operate. It is the opinion of EVI Audio that Low Power Auxiliary Stations (LPAS) should be included in this inquiry. EVI Audio believes that LPAS can coexist well with LPTV and translator operations, and should be permitted to operate in the same bands as these services. In addition, EVI Audio proposes that in order to provide the necessary degree of flexibility to accommodate existing and future LPAS, LPTV and translator stations, the FCC should continue to permit these services to operate on a secondary basis in the non public safety segments of the 746-806 MHz spectrum e.g. 746-764 and 776-794 MHz, as well as all other spectrum which will be retained for television broadcasting after the digital TV transition period has ended.

The FCC has previously decided to relax many of the UHF "taboos" that limit the number of TV stations which could operate. These restrictions were based on technical limitations at the time the UHF-TV service was initiated. By relaxing these restrictions, the FCC has made it possible for all currently licensed TV stations to operate with both analog and digital transmitting facilities during a transition period. At the end of this period, when stations are required to relinquish one of their channels, these channels will become available for reassignment. Having demonstrated the feasibility of operating an increased number of full power facilities in this spectrum, there is every reason to believe that additional new power TV stations may be licensed for operation on the channels which have been returned. Thus, the overall density of TV spectrum use is likely to continue at or near the level which will be established at the peak of the digital TV transition period.

In urban areas, this will mean that it will continue to be difficult to find usable spectrum for LPAS and LPTV operations, even after the digital TV transition

period had ended. (The same would be true of translator stations, except that these typically operate in sparsely populated or under-served areas). Therefore, retaining the non public safety band segments from 746-764 and 776-794 MHz for LPAS, LPTV, and translator use on a secondary basis would provide increased flexibility for the operation of these stations. The FCC has postulated this use (with the exception of LPAS facilities) in the instant proceeding, and EVI Audio concurs with this proposal.

### **CONCLUSION**

In view of the above stated determinations, EVI Audio requests that Low Power Auxiliary Stations (LPAS) currently operating in the 746-806 MHz spectrum, be included in this proceeding. EVI Audio further requests that LPAS equipment continue to be permitted to operate in this band on a secondary, non-interference basis throughout the duration of the digital TV transition period. EVI Audio further requests that, even if LPAS operations are retired from the new exclusive public safety segments at 764-776 and 794-806 MHz at the conclusion of the digital TV transition period, LPAS equipment be permanently assigned to operate in the non public safety segments of 746-764 and 776-794 MHz on a secondary, non-interference basis, in addition to all other spectrum which is retained for television broadcasting under 47 CFR.

Respectfully submitted October 13, 1997,

A handwritten signature in black ink, appearing to read "Steven C. Dupaix". The signature is fluid and cursive, with the first name "Steven" and last name "Dupaix" clearly distinguishable.

Steven C. Dupaix  
Director of Marketing, RF Products  
EVI Audio  
600 Cecil Street  
Buchanan, MI 49107